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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,947	02/12/2002	Veronique Daurensan	Q68382	2250
23373	7590	07/21/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			TRINH, SONNY	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/072,947	DAURENSAN, VERONIQUE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sonny TRINH	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -- .

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **1. CONTINUED EXAMINATION UNDER 37 CFR 1.114 AFTER FINAL REJECTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/27/05 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-12, 14** are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuda et al. ("Matsuda"; U.S. Patent Application Number 2001/0014616 A1).

Regarding **claims 1 and 10**, Matsuda discloses a method and apparatus for signaling an incoming call or electronic message from a given sender to the user of a receiver terminal to whom said call or message is addressed (abstract, figure 18 and description), in which method said receiver terminal performs the following steps:

- identifying the sender, allowing for at least one changeable or predetermined parameter relating to said sender; and dynamically selecting at least one signaling mode and/or at least one signaling device available in said receiver terminal as a function of the state of said at least one parameter relating to the sender and another programmed by said user [0006] - [0010] (since the condition is set up in advanced as disclosed in paragraph [0010], this is equivalent to the steps of programming by the user).

Regarding **claim 2**, Matsuda further discloses that said another parameter is related to one of an environment and the status of said receiver terminal [0060].

Regarding **claim 3**, Matsuda further teaches that for each new call or message, one changeable parameter relating to said sender that is allowed for corresponds to the number of earlier calls or messages from the same sender not answered by the addressee, said parameter being modified [0010], [0055].

Regarding **claim 4**, Matsuda further teaches that one changeable parameter relating to the sender that is allowed for in the case of an electronic message corresponds to a degree of importance [0056] – [0057], [0074].

Regarding **claim 5**, Matsuda further teaches that said predetermined parameter relating to said sender corresponds to an identity of said sender [0054] (figures 17a-c).

Regarding **claim 6**, Matsuda further teaches that said parameters programmed by said user of said receiver terminal are chosen from the group consisting of the current situation or status of said user [0010].

Regarding **claim 7**, Matsuda further teaches that the parameters that are associated with the environment or the status of said receiver terminal and are used to modify a mode of use of the selected at least one signaling device are chosen from the group consisting of the background noise level [0010].

Regarding **claim 8**, this claim is the combination of the method claim of claims 1 and 3 and are therefore rejected for the same reasons.

Regarding **claim 9**, Matsuda further teaches that each time a new incoming call or message is received, a signaling mode and/or a signaling device are selected after, either analyzing the different types of parameters that are relevant or allowing for their relative importance as predefined by the user, and, verifying the existence of multi-parameter selection configurations preprogrammed by said user and applying to said incoming call or message [0010], [0036] – [0037].

Regarding **claim 11**, Matsuda further teaches a history file for storing automatically, for each call or message, a first number of said sender and a second number of successive calls sent by each of said senders which the user of the telecommunication terminal has not answered said history file being updated automatically on each new call or message at least by activating an indicator that the sender concerned is awaiting a response [0010], [0017], [0054] – [0055].

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Regarding **claim 12**, Matsuda further teaches that wherein said dynamic selector module is adapted, after allowing for said first number or said address of said sender, to read the value of said variable or the state of said indicator assigned to said sender, said information constituting a first changeable parameter relating to said sender [0010], [0036] – [0037], [0048] – [0051].

Regarding **claim 14**, Matsuda further teaches that said changeable parameter is incremented, if said new call or message is not answered (figure 8, see description, [0010]).

### ***Allowable Subject Matter***

2. **Claims 13 and 15** are allowed.

The following is an examiner's statement of reasons for allowance:

Claims 13 and 15 were objected to by the previous Office Action and are now re-written in independent forms and are allowed.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/15/05

  
**SONNY TRINH**  
**PRIMARY EXAMINER**